

# Notice of Allowability

Application No.

10/824,569

Examiner

Linh V. Nguyen

Applicant(s)

KAPLAN, TODD

Art Unit

2819

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/1/06.
2. ☒ The allowed claim(s) is/are 2, 4 - 35, 38 - 67, and 69.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 10/14/04.
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

1. This office action is in response to communication filed on 9/1/06. Claims 1, 3, 36, 37 and 68 have been canceled. Claims 2, 4 – 35, 38 – 67, and 69 are pending on this office action.

### ***Allowable Subject Matter***

2. Claims 2, 4 – 35, 38 – 67, and 69 are allowed.

The following is an examiner's statement of reasons for allowance:

With respect to claim 2, in addition to other elements in the claim, prior art does not teach wherein the control arrangement has a first control input connected with me first digital input portion a second control input connected with the second digital input portion, and a control output, the control output allowing the switching element to assume the second condition if the first digital input portion is different from the second-digital input portion.

With respect to claim 4, in addition to other elements in the claim, the prior art does not teach wherein the control arrangement comprises a subtractor, subtracting the first digital input portion from the second digital input portion, the subtractor having a subtractor output with a first subtractor output value if the first digital input portion is not in a predetermined relationship with the second digital input portion and a second subtractor output value if the first digital input portion is in a predetermined relationship with the second digital input portion.

With respect to claim 34, in addition to other elements in the claim, the prior art does not teach wherein the clocking arrangement clocks the filter element and the quantizer.

With respect to claim 41, in addition to other elements in the claim, prior art considered individual or combination does not teach or suggest a DAC comprising: a tuning arrangement to adjust a frequency spectrum of DAC errors shaping the DAC errors away from a desired frequency band, and a third of the at least three control elements input is connected to the tuning arrangement.

With respect to claims 48 and 53, in addition to other elements in the respective claim, the prior art does not teach a control element to control switching of the switch, the control element connected with the evaluation element and the switching element, the control element comprising a quantizer having a quantizer output, wherein switching between the first digital input and the second digital input depends on the quantizer output when the first digital input and the second digital input are in predetermined relationship therebetween and switching between the first digital input and the second digital input does not depend on the quantizer output when the first digital input and the second digital input are not in the predetermined relationship therebetween.

With respect to claim 69, the prior art does not teach a first DAC having a first DAC input and a first DAC output; providing a second DAC having a second DAC input and a second DAC output; connecting the first circuit output with the first DAC input and the second circuit output with the second DAC input; subtracting the second DAC output

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from the first DAC output to provide a difference output; and inputting the difference output to a spectrum analyzer.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance.

***Contact Information***

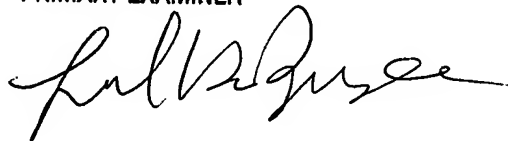
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh Van Nguyen whose telephone number is (571) 272-1810. The examiner can normally be reached from 8:30 – 5:00 Monday-Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rexford Barnie can be reached at (571) 272-7492. The fax phone numbers for the organization where this application or proceeding is assigned are (571-273-8300) for regular communications and (571-273-8300) for After Final communications.

10/23/06

Linh Van Nguyen

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LINH NGUYEN  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Linh Nguyen', written over the printed name and title.